

Hearing Officer Transmittal Checklist

Hearing Date

7/19/16

Agenda Item No.

2

Project Number: R2015-02779-(5)

Case(s): Conditional Use Permit No. 201500115

Planner: Thuy Hua

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2015-02779-(5)

HEARING DATE

May 17, 2016

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201500115

Environmental Assessment No. 201500203

PROJECT SUMMARY

OWNER / APPLICANT

Lorena Ayala

MAP/EXHIBIT DATE

September 1, 2015

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to authorize the sale of beer (Type 40 License) for on-site consumption at a proposed assembly hall within an existing industrial building in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code Section 22.32.070. The 4,330 square foot assembly hall consists of a bar, game room, playroom, sitting area, dance floor, stage, employee lounge, and storage areas and is intended to host special events such as corporate parties and weddings. Business hours are proposed from 1:00pm to 1:00am.

LOCATION

38925 10th Street East

ACCESS

10th Street East

ASSESSORS PARCEL NUMBER(S)

3022-018-031

SITE AREA

2.31 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Area Plan

ZONED DISTRICT

North Palmdale

LAND USE DESIGNATION

IL (Light Industrial)

ZONE

M-1 (Light Manufacturing)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1: Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Consistency with the Antelope Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcoholic Beverage Sales)
 - 22.32.080 (M-1 Development Standards)

CASE PLANNER:

Thuy Hua

PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

thua@planning.lacounty.gov

ENTITLEMENTS REQUESTED

- Conditional Use Permit ("CUP") to authorize the sale of beer (Type 40 License) for on-site consumption at an assembly hall within an existing industrial building in the M-1 (Light Manufacturing) Zone pursuant to County Code Section 22.32.070.

PROJECT DESCRIPTION

The applicant, Lorena Ayala, is requesting authorization for the sale of beer (Type 40 License) for on-site consumption at an assembly hall within an existing industrial building ("Project") located at 38925 10th Street East (APN 3022-018-031) in Units C and D ("Project Site") in the unincorporated area of Palmdale within the M-1 Zone pursuant to Los Angeles County Code Section 22.32.070.

SITE PLAN DESCRIPTION

The site plan depicts a 2.31-acre rectangular parcel containing a 9,300-square foot single-story industrial building located on the northeastern side of the Project Site. There are a total of eighty-five parking spaces, three of which are ADA compliant spaces. 10th Street East runs along the eastern boundary of the Project Site and serves as the primary access to the Project Site.

EXISTING ZONING

The subject property is zoned M-1.

Surrounding properties are zoned as follows:

North: M-1

South: M-1, R-3

East: M-1 (City of Palmdale)

West: R-2

EXISTING LAND USES

The subject property is developed with one industrial building containing four tenant spaces.

Surrounding properties are developed as follows:

North: Vacant, building material manufacturing

South: Vacant, industrial manufacturing within an enclosed building

East: Vacant, two-family residence

West: Two-family residences

PREVIOUS CASES/ZONING HISTORY

The Project Site was zoned A-1, adopted by Ordinance 4146 on August 18, 1942. The Project Site was rezoned to A-1-1, adopted by Ordinance 5451 on December 13, 1949. The Project Site was rezoned to A-1-6,000, adopted by Ordinance 5644 on December 12, 1950. The Project Site was rezoned to A-2-5, adopted by Ordinance 5889 on January 22, 1952. The Project Site was rezoned to M-1.5, adopted by Ordinance 7171 on June 4, 1957. The Project Site was rezoned to M-1, adopted by Ordinance 20150021z on July 16, 2015.

The following permits have previously been approved for the Project Site:

CASE NUMBER	PROJECT SCOPE
RPP31393	Plot plan approval for development of office/plant. Approved November 9, 1982.
RPP 201500192	Plot plan approval for change of use and remodeling for converting Units C and D within an existing building into an assembly hall. Approved June 11, 2015.

Enforcement Case No. 15-0006021 was opened on October 29, 2015 for the operation of a medical marijuana dispensary and is currently still active.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project does not involve any expansion of the previous use or any new development and is for the sale of beer within the existing industrial building. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the IL (Light Industrial) land use category of the Antelope Valley Area Plan ("Area Plan"). This designation is intended for light industrial uses, including light manufacturing, assembly, warehousing, and distribution. The sale of beer for on-site consumption at the assembly hall provides a compatible supportive commercial use for the gathering of people at special events and is therefore consistent with the permitted uses of the underlying land use category.

The following policy of the 1980 General Plan is applicable to the proposed Project:

- *General Plan Land Use Element Policy 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls." (Page III-12)*

The sale of beer for on-site consumption at the assembly hall will provide residents and visitors with the convenience of enhancing their experience at their special event without having to drive elsewhere. The availability of this service at the assembly hall will complement the community character by providing a gathering place with a convenience service to members of the public with appropriate conditions.

The following policy of the Area Plan is applicable to the proposed Project:

- *Policy LU 1.4: "Ensure that there are appropriate lands for commercial and industrial services throughout the unincorporated Antelope Valley sufficient to serve the daily needs of rural residents and to provide local employment opportunities." (Page LU-3)*

Both the zoning and land use designation allow for the assembly hall use as well as the sale of alcoholic beverages. The combination of both uses provide residents with a location to accommodate special events and gatherings where they would not have a space and service otherwise. Such events create employment and economic opportunities for the local community through the hiring of service employees and purchase of goods to stock the special event.

Zoning Ordinance and Development Standards Compliance

Sales of alcoholic beverages in the M-1 Zone is allowed with a CUP, pursuant to Los Angeles County Code Section 22.32.070, subject to the requirements of Section 22.56.195. Additionally, the Project is required to comply with the development standards cited in County Code Section 22.32.080 for the M-1 zone as follows:

- According to Section 22.32.080.A, the maximum allowable floor area ratio ("FAR") shall be 1.0. The Project's FAR at 0.09 does not exceed the maximum.
- According to Section 22.32.080.B, any property used for the outside storage or display of raw materials, equipment, or finished products shall comply with the requirements of Part 7 of Chapter 22.52. No outside storage is proposed.
- Section 22.32.080.C refers to Part 11 of Chapter 22.52 for parking requirements. Per County Code Section 22.52.1110, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the County engineer. Based on an occupant load of 226 persons as determined by the County engineer, a total of 75 parking spaces are required for the assembly hall.

Per County Code Section 22.52.1140, in connection with any manufacturing or other industrial use in any zone except Zone SR-D, there shall be provided parking space for all vehicles used directly in the conducting of such use and, in addition, not less than one automobile parking space for each two persons employed or intended to be employed on the shift having the largest number of employees or each 500 square feet of floor area of the building used for such use, whichever is larger. If the use is considered a warehouse as defined in Section 22.08.230, one parking space shall be provided for each 1,000 square feet of floor area used for warehousing. "Warehouse" means any building located in an industrial zone that is utilized at least 80 percent for warehousing. The building does not meet the warehouse definition because only fifty-three percent of the building is used for warehousing purposes. Therefore, the remaining space outside of the assembly hall shall require 1 parking space per 500 square feet of floor area. Thus, an additional 10 parking spaces are required for the warehouse component of the building.

A total of 85 parking spaces, three of which are ADA compliant spaces, are required for the Project Site.

- According to Section 22.32.080.D, signs shall comply with the requirements of Part 10 of Chapter 22.52. No signage is proposed under this request.

Site Visit

Staff conducted a site visit on March 27, 2016 and found the property to be well maintained and consistent with the site plan.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195.B of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The selling of beer for on-site consumption at the Project Site is compatible with the surrounding neighborhood and provides a needed service as there are no other similar facilities within a 500-foot radius or within the same census tract. The assembly hall use and sale of beer will be conducted within an existing building located 400 feet from the cluster of residences to the west and separated by a masonry wall. Additionally, there are no sensitive uses within a 600-foot radius of the Project Site.

Alcoholic beverage sales is a permitted use in the M-1 Zone once a CUP is obtained. Currently, there are no other establishments within a 500-foot radius of the Project Site that sell alcohol. Therefore there is no undue concentration within this radius. However, there are a total of one on-sale and one off-sale licenses allotted for this census tract. At this time a total of four on-sale and one off-sale licenses have been issued. Therefore an undue concentration of alcoholic beverages exists within Census Tract 9101.01. However, this census tract covers 23 square miles and of the four on-sale licenses already issued only one of those facilities is open to the general public. The remaining three facilities are membership clubs and do not provide the type of service the Project provides. Therefore, the granting of this Project would provide for a public convenience and necessity for the local community.

Enforcement Case No. 15-0006021 remains open and is pending clearance from all County agencies. Despite this active case, the owner has been cooperative in eliminating the medical marijuana dispensary from the Project Site as demonstrated by her eviction of the medical marijuana dispensary after staff conducted the March 27, 2016 site visit. A follow up site visit by staff conducted during business hours on June 1, 2016 confirmed that it appeared the medical marijuana dispensary was no longer in operation. At the time of the writing of this staff analysis, the Department of Regional Planning is coordinating with the other County agencies to verify the vacation of the medical marijuana dispensary from the premises which includes an inspection of the interior of the building. The owner of the subject property has provided verbal consent to the inspection and is awaiting the scheduling of the appointment. Given the owner's responsiveness and cooperation in rectifying the banned use, staff recommends moving forward with the Project as the

Project itself is compatible with the surrounding industrial/commercial uses and is sufficiently buffered from neighboring residences.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments at this time from the Sheriff's Department despite three email attempts and two follow up phone calls to the Sheriff's Department Palmdale Station between January and July 2016.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

The Project Site is located within Census Tract 9101.01. There is a total of one on-sale and one off-sale license authorized for this census tract. At this time a total of four on-sale and one off-sale licenses have been issued. Therefore an undue concentration of alcoholic beverages exists within Census Tract 9101.01. However, this census tract covers 23 square miles and of the four on-sale licenses already issued only one of those facilities is open to the general public. The remaining three facilities are membership club and do not provide the type of service the Project provides. A phone conversation with the representative, Patricia Haltin, processing the alcohol license for the Project from the California Department of Alcoholic Beverage Control on July 6, 2016 stated she did not have concerns with the Project. Therefore, the granting of this Project would provide for a public convenience and necessity.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-02779-(5), Conditional Use Permit Number 201500115, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500115 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Thuy Hua, Senior Regional Planner, Zoning Permits North
Reviewed by Robert Glaser, Supervising Regional Planner, Zoning Permits North
Section

Attachments:

Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof Statement
Site Photographs
Aerial Image
Site Plan
Land Use Map

RG:TH
7/7/16

**DRAFT FINDINGS AND ORDER
OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02779-(5)
CONDITIONAL USE PERMIT NO. 201500115**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on July 19, 2016, in the matter of Conditional Use Permit No. RPPL2016000766 ("CUP").
2. The permittee, Lorena Ayala ("permittee"), requests a CUP to authorize the sale of beer for on-site consumption (Type 40 License) at an assembly hall within an existing industrial building ("Project") located at 38925 10th Street East (APN 3022-018-031) in Units C and D ("Project Site") in the unincorporated area of Palmdale in the M-1 (Light Manufacturing) Zone pursuant to Los Angeles County Code Sections 22.32.070.
3. The Project Site is a 2.31-acre rectangular parcel containing a 9,300-square foot single-story industrial building located on the northeastern side of the Project Site. There are a total of eighty-five parking spaces, three of which are handicap spaces. 10th Street East runs along the eastern boundary of the Project Site and serves as the primary access to the Project Site.
4. The Project Site is located in the North Palmdale Zoned District and is zoned M-1 (Light Manufacturing).
5. The Project Site is located within the IL (Light Industrial) land use category of the Antelope Valley Area Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:

North: M-1
South: M-1, R-3
East: M-1 (City of Palmdale)
West: R-2
7. Surrounding land uses within a 600-foot radius include:

North: Vacant, building material manufacturing
South: Vacant, industrial manufacturing within an enclosed building
East: Vacant, two-family residence
West: Two-family residences
8. The Project Site is accessible via 10th Street East to the east.
9. The Project's floor area ratio at 0.09 does not exceed the maximum of 1.0.

10. No outside storage is proposed as a part of this Project.
11. Based on the occupant load of 226 persons as determined by the County engineer and a parking requirement of one parking space per three people, a total of 75 parking spaces are required for the assembly hall. For the remaining space within the building outside of the assembly hall, 10 additional parking spaces are required based on one parking space per 500 square feet of floor area. A total of 85 parking spaces, three of which are ADA compliant spaces, are required.
12. No new signage is proposed as a part of the Project.
13. Plot Plan No. 31393 approved on November 9, 1982 the development of a new office/plant. Plot Plan No. 201500192 approved on June 11, 2015 authorized the change of use and remodeling for converting Units C and D within an existing building into an assembly hall.
14. Regional Planning staff determined that the Project qualifies for a Class 1 (Existing Facilities) categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of beer at an assembly hall within an existing building.
15. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
16. No comments have been received from the public at this time.
17. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
18. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Antelope Valley Area Plan ("Area Plan"), a component of the Los Angeles County General Plan. Both the General Plan and the Area Plan contain policies to ensure compatibility of development with the surrounding area. The General Plan seeks to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls" (General Plan Land Use Element, pgs. III-12). The sale of beer for on-site consumption at the assembly hall will provide residents and visitors with the convenience of enhancing their experience at their special event without having to drive elsewhere. The availability of this service at the assembly hall will complement the community character by providing a gathering place with a convenience service to members of the public with appropriate conditions.

The Area Plan also contains policies relevant to the Project. Area Plan *Policy No. LU-1.4* says: *"Ensure that there are appropriate lands for commercial and industrial services throughout the unincorporated Antelope Valley sufficient to serve the daily needs of rural residents and to provide local employment opportunities."* Both the zoning and land use designation allow for the assembly hall use as well as the sale of alcoholic beverages. The combination of both uses provide residents with a location to accommodate special events and gatherings where they would not have a space and service otherwise. Such events create employment and economic opportunities for the local community through the hiring of service employees and purchase of goods to stock the special event.

19. The Hearing Officer finds that the proposed use is consistent with the M-1 zoning classification because the sale of alcoholic beverages is permitted within the M-1 Zone with a CUP pursuant to Sections 22.28.160 of the County Code.
20. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional Alcohol Sales Burden of Proof findings in Section 22.56.195B of the County Code.

The requested use at the location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. Alcohol will be only served and consumed on-site and will not leave the site. The use of the assembly hall will be for the enjoyment for the patrons and therefore not be a menace to the surrounding neighborhood. The property is relatively large in size and the location of the activity is buffered from neighboring uses with the parking lot.

21. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project Site is 2.31 acres in size and provides adequate space and shape for all the requirements prescribed in Title 22. There are no structural changes being proposed as a part of the Project.
22. The Hearing Officer finds that the Project is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. 10th Street East is an existing Major Highway. This type of highway adequately serves the Project.
23. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. There are no sensitive uses within the 600-foot radius.

24. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area with the immediate vicinity so as not to adversely affect said area. The location of the use does not face the primary residential area to the west. It is located 400 feet from the cluster of said residences and separated by a masonry wall.
25. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment. There are no other facilities within 500 feet of the Project that sells alcohol. Therefore there is no undue concentration within this radius. However, there are a total of one on-sale and one off-sale license authorized for this census tract. At this time a total of four on-sale and one off-sale licenses have been issued. Therefore an undue concentration of alcoholic beverages exists within Census Tract 9101.01. However, this census tract covers 23 square miles and of the four on-sale licenses already issued only one of those facilities is open to the general public. The remaining three facilities are membership clubs and do not provide the type of service the Project provides. Therefore, the granting of this Project would provide for a public convenience and necessity.
26. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the surrounding community. The assembly hall does not impact the two business to the north and south of the Project Site and is a welcomed addition to those who may want to rent the assembly hall.
27. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. There are no changes proposed to the exterior of the existing structure. The applicant will ensure that the exterior appearance of the Project Site will remain in a suitable state, with no blight or disrepair.
28. The Hearing Officer finds that it is necessary to limit the term of the grant to ten (10) years to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses.
29. The Hearing Officer finds that pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. All neighboring property owners within 1,000 feet of the Project Site were notified by mail, including 138 different property owners. A total of 11 Notices of Public Hearing were mailed to those on the courtesy mailing list for the

North Palmdale Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control. Additionally, the case materials were available on Regional Planning's website and at the Lancaster Library.

30. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and the Antelope Valley Area Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises because the use does not include any sales of alcoholic beverages for off-site consumption.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction

within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
2. Approves Conditional Use Permit No. 201500115, subject to the attached conditions.

ACTION DATE: JULY 19, 2016

RG:TH
7/7/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02779-(5)
CONDITIONAL USE PERMIT NO. 201500115**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") to authorize the sale of beer for on-site consumption (Type 20 License) at an assembly hall within an existing industrial building subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on July 19, 2026.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue beer and wine sales after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, the sale of alcoholic beverages and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with

the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **five (5) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **September 19, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. This grant allows the sale of beer for on-site consumption at an assembly hall within an existing industrial building located in Units C and D at 38925 10th Street East.
20. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
21. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
25. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
26. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.
27. This grant authorizes the sale of beer for on-site consumption within the assembly hall from 1:00 p.m. to 1:00 a.m. daily.
28. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
29. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the assembly hall or an explanation regarding the program shall be printed on the menu.
30. All servers of alcoholic beverages must be at least 18 years of age.
31. There shall be no music or other noise audible beyond the assembly hall premises.
32. Storage of alcohol shall be allowed for a maximum of 24 hours prior to the event.
33. All alcohol shall be removed from the premises one hour prior or subsequent to closing.
34. The sale and serving of alcoholic beverages for consumption outside the assembly hall is prohibited.
35. The permittee shall provide adequate lighting above all entrances and exits to the premises.

PROJECT SITE SPECIFIC CONDITIONS

36. A minimum of 85 parking spaces shall be maintained on site. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use.
37. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The property does not affect the neighboring uses within 600' boundary since the alcohol beverages sales will be limited to only to one cooler which doesn't exceed 1.3 % of s.f.the availability of alcohol beverage would be a bonus for a party room use since it will be an asset for the enjoyment and valuation of property. it will not endanger public health or safety because no alcohol will leave the site. the use for the party conference center will be an enjoyment for the patrons of the center, therefore there shall be menace to the surrounding neighborhood.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

There are no proposed changes to the building exterior. therefore yards, walls and fences will not be applicable for any change of condition.
the parking spaces number is updated to accommodate any proposed increase in occupancy.
the site is a developed building with a developed parking lot. the parking is adequate in size and landscape area are incorporated.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

no new traffic patterns or streets will be required prior to the operation of the business.
the project is in an existing part of town with no new changes required.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 40 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

THERE ARE NO CHURCHES, SCHOOLS OR PLAYGROUNDS WITHIN A 600 FEET RADUIS OF THE PROPOSED development.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

THE LOCATION OF THE PROPOSED PROJECT IS NOT FACING ANY RESIDENTIAL AREA THE RESIDENTIAL AREA IS to the rear of the site and is not accessable directly.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

THERE ARE NO OTHER FACILITIES WITHIN 500 FT THAT SELL ALCOHOLIC BEVERAGES BEER OR WINE

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

THE PROPOSED GATHERING HALL DOES NOT AFFECT ANY NEIGHBORING BUSINESSES AND IS A WELCOME addition to those who may wish to rent the party hall

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THE BUILDING IS EXISTING AND THE APPEARANCE WILL NOT CHANGE. THE SURROUNDING NEIGHBORHOOD will not be affected.



Los Angeles County Department of Regional Planning | LA County | East, HERE, DeLorme, NSA, USGS.

Project No. R2015-02779 / CUP 201500115

Property Location Map

Printed: Jul 07, 2016

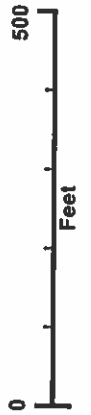


Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section.
 Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement.
 Printed with permission from the Los Angeles County Dept. of Regional Planning. All rights reserved.





Project No. R2015-02779 / CUP 201500115



Aerial Map

Printed: Jul 07, 2016



Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section.
 Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement.
 Printed with permission from the Los Angeles County Dept. of Regional Planning. All rights reserved.



Project No. R2015-02779 / CUP 201500115

Land Use Policy / Zoning Map

Printed: Jul 07, 2016

Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section.
 Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement.
 Printed with permission from the Los Angeles County Dept. of Regional Planning. All rights reserved.



Lorena Ayala - 38925 10th St. East



view looking - south -



View Looking - North East -



View Looking - North -



view looking - East -



View Looking - west -



view looking - south west -